

Notice of Allowability

Application No.

10/777,436

Examiner

Sandra K. Poulos

Applicant(s)

BALFOUR ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/27/06.
2. ☒ The allowed claim(s) is/are 1-5 and 7-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Terminal Disclaimer

1. The terminal disclaimer filed on 7/27/06 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,576,700 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Replace the title with the following: "Poly(arylene ether) blends having low melt viscosity in the absence of plasticizer"
4. Authorization for this examiner's amendment was given in a telephone interview with Patricia DeSimone on October 12, 2006.

The application has been amended as follows:

Specification: paragraph 47, Table 1, replace "Novacore 2272 XPS" with "Novacore 2272 (XPS)".

Claim 3: replace "bout" with "about".

Claim 11: insert "measured in the presence of the reinforcing agent" at the end of the sentence.

Drawings

4. Figure 1 is missing a label for the vertical axis. A replacement with the correct units is required.

Statement of Reasons for Allowance

5. The present claims are allowable over the closest prior art Patel (US 6,576,700), Laughner (US 5,258,455), and Yeager (US 2004/0106750) and Yeager (US 2001/0053820).

The present claims are drawn to a polyarylene ether thermoplastic composition containing a first polyarylene ether resin with an intrinsic viscosity greater than or equal to about 0.3 dl/g and a second polyarylene ether resin having an intrinsic viscosity of less than or equal to 0.17 dl/g, wherein the composition has a melt viscosity of less than or equal to about 190 Pa-s at 1500 s⁻¹.

With regard to Patel, a terminal disclaimer and statement of common ownership have been submitted. The rejections are also overcome in view of applicant's arguments submitted 7/27/06, particularly that all examples of Patel include a plasticizer, and these examples are the basis for the melt viscosity that examiner has cited, therefore, there is no disclosure of the melt viscosity of a composition "essentially free of plasticizers", as recited in claim 1. With regard to claims 16 and 18, in which the composition consists essentially of the polyarylene ethers, the presence of plasticizer in the Patel composition would lower the melt viscosity and results in a composition not consisting essentially of polyarylene ethers.

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With regard to Laughner and Yeager '750 and '820, the compositions are thermosetting wherein the present claims are directed toward a thermoplastic composition. Thus, Laughner and Yeager '750 and '820 are not applicable to the claims.

Thus, it is clear that the above references do not disclose or suggest the claimed invention.

In light of the above, it is clear that rejections of record are untenable and thus the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra K. Poulos whose telephone number is (571) 272-6428. The examiner can normally be reached on M-F 8:00-4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SKP

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